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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Special Political and Decolonization Committee (Fourth Committee)

Rapporteur: Mr. Damien **Cole** (Ireland)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" and to allocate it to the Special Political and Decolonization Committee (Fourth Committee).

2. The Fourth Committee held a general debate on the item at its 19th and 20th meetings, on 5 and 6 November, and took action on the item at its 24th meeting, on 14 November (see A/C.4/58/SR.19, 20 and 24).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/124 (A/58/310);

(b) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/125 (A/58/155);

(c) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/126 (A/58/263);

(d) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/127 (A/58/156);

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(e) Report of the Secretary-General submitted in pursuance of General Assembly resolution 57/128 (A/58/264);

(f) Note by the Secretary-General transmitting the thirty-fifth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/58/311);

(g) Letter dated 1 October 2003 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (A/58/399-S/2003/929);

(h) Letter dated 3 October 2003 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (A/58/411-S/2003/939);

(i) Letter dated 3 October 2003 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, transmitting the final communiqué of the annual coordination meeting of Ministers for Foreign Affairs of the Organization of the Islamic Conference, held at United Nations Headquarters on 30 September 2003 (A/58/415-S/2003/952);

(j) Letter dated 2 October 2003 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General, transmitting the declaration and the statement on Palestine adopted at the meeting of the Ministers for Foreign Affairs of the Non-Aligned Movement, held at United Nations Headquarters on 26 September 2003 (A/58/420).

4. At the 19th meeting, on 5 November, the representative of Sri Lanka, in his capacity as Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the report of that Committee contained in document A/58/311 (see A/C.4/58/SR.19).

5. At the same meeting, the representative of the Permanent Observer Mission of Palestine to the United Nations made a statement (see A/C.4/58/SR.19).

6. At the 24th meeting, on 14 November, the representative of Israel made a statement (see A/C.4/58/SR.24).

7. At the same meeting, the representative of the Permanent Observer Mission of Palestine to the United Nations made a statement (see A/C.4/58/SR.24).

II. Consideration of proposals

A. Draft resolution A/C.4/58/L.17

8. At the 24th meeting, on 14 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Guinea and Mali, introduced a draft resolution entitled "Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" (A/C.4/58/L.17).

9. At the same meeting, the Secretary of the Committee made a statement on the programme budget implications of the draft resolution (A/C.4/58/SR.24).

10. Also at the same meeting, the Committee adopted draft resolution A/C.4/58/L.17 by a recorded vote of 85 to 7, with 73 abstentions (see para. 25, draft resolution I). The voting was as follows:

In favour:

Algeria, Angola, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados Belarus, Belize, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Gambia, Ghana, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Philippines, Qatar, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Albania, Andorra, Antigua and Barbuda, Argentina, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu.

11. At the same meeting, a statement in explanation of vote on draft resolution A/C.4/58/L.17 was made by the representative of Canada (see A/C.4/58/SR.24).

B. Draft resolution A/C.4/58/L.18

'2. At the 24th meeting, on 14 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Guinea and Mali, introduced a draft resolution entitled "Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of

War, of 12 August 1949, to the Occupied Palestinian Territory, including Jerusalem, and the other occupied Arab territories" (A/C.4/58/L.18).

13. At the same meeting, the representative of Cuba orally revised the third preambular paragraph of the draft resolution by inserting the numeral "IV" after the words "Hague Convention" and replacing the words "Protocol 1 additional to the Geneva Conventions" by the words "relevant provisions of customary law, including those codified in Additional Protocol 1 to the four Geneva Conventions".

14. At the same meeting, the Committee adopted draft resolution A/C.4/58/L.18, as orally revised, by a recorded vote of 155 to 6, with 7 abstentions (see para. 25, draft resolution II). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Cameroon, Honduras, Papua New Guinea, Rwanda, Solomon Islands, Tuvalu, Vanuatu.

15. At the same meeting, a statement in explanation of vote on draft resolution A/C.4/58/L.18 was made by the representative of Australia (see A/C.4/58/SR.24).

C. Draft resolution A/C.4/57/L.19/Rev.1

16. At the 24th meeting, on 14 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Guinea, Indonesia, Jordan, Kuwait, Malaysia, Mali, Morocco, Oman, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, and the occupied Syrian Golan" (A/C.4/58/L.19/Rev.1) and orally revised it as follow:

(a) In the tenth preambular paragraph, the words "an unlawful wall inside the Occupied Palestinian Territory" were replaced by the words "a wall inside the Occupied Palestinian Territory";

(b) In operative paragraph 4, the words "is a departure from the Armistice Line" were replaced by the words "is in departure from the Armistice Line".

17. At the same meeting, the Committee adopted draft resolution A/C.4/58/L.19/Rev.1, as orally revised, by a recorded vote of 149 to 7, with 12 abstentions (see para. 25, draft resolution III). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Solomon Islands, United States of America.

Abstaining:

Australia, Cameroon, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Papua New Guinea, Rwanda, Tuvalu, Vanuatu.

18. At the same meeting, the representatives of Italy (on behalf of the States Members of the United Nations that are members of the European Union and Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, as well as Iceland and Norway), Australia and Uruguay made statements in explanation of vote on draft resolution A/C.4/58/L.19/Rev.1 (see A/C.4/58/SR.24).

D. Draft resolution A/C.4/58/L.20/Rev.1

19. At the 24th meeting, on 14 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Guinea, Indonesia, Jordan, Kuwait, Malaysia, Mali, Morocco, Oman, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem" (A/C.4/58/L.20/Rev.1).

20. At the same meeting, the Committee adopted draft resolution A/C.4/58/L.20/Rev.1 by a recorded vote of 141 to 7, with 19 abstentions (see para. 25, draft resolution IV).

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Ghana, Greece, Grenada, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Solomon Islands, United States of America.

Abstaining:

Albania, Australia, Cameroon, Costa Rica, Czech Republic, Dominican Republic, El Salvador, Georgia, Germany, Guatemala, Honduras, Nicaragua, Papua New Guinea, Peru, Rwanda, Tonga, Tuvalu, United Kingdom of Great Britain and Northern Ireland, Vanuatu.

21. At the same meeting, statements in explanation of vote on draft resolution A/C.4/58/L.20/Rev.1 were made by the representatives of Australia, Canada and the United Kingdom (see A/C.4/58/SR.24).

E. Draft resolution A/C.4/58/L.21

22. At the 24th meeting, on 14 November, the representative of Cuba, on behalf of Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Yemen and Palestine, subsequently joined by Guinea, introduced a draft resolution entitled "The occupied Syrian Golan" (A/C.4/58/L.21).

23. At the same meeting, the Committee adopted draft resolution A/C.4/58/L.21 by a recorded vote of 155 to 3, with 11 abstentions (see para. 25, draft resolution V). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland,

United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Nauru, Solomon Islands.

Abstaining:

Cameroon, Fiji, Honduras, Marshall Islands, Micronesia (Federated States of), Palau, Rwanda, Tonga, Tuvalu, United States of America, Vanuatu.

24. At the same meeting, after the vote on the draft resolution, the representative of the Syrian Arab Republic made a statement (see A/C.4/58/SR.24).

III. Recommendations of the Special Political and Decolonization Committee (Fourth Committee)

25. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] as well as international standards of human rights, in particular the Universal Declaration of Human Rights[2] and the International Covenants on Human Rights,[3]

Recalling its relevant resolutions, including resolutions 2443 (XXIII) of 19 December 1968 and 57/124 of 11 December 2002, and the relevant resolutions of the Commission on Human Rights,

Recalling also relevant resolutions of the Security Council,

Convinced that occupation itself represents a gross and grave violation of human rights,

Gravely concerned about the continuation of the tragic events that have taken place since 28 September 2000, including the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in thousands of deaths and injuries,

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.

[2] Resolution 217 A (III).

[3] Resolution 2200 A (XXI), annex.

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[4] and the relevant reports of the Secretary-General,[5]

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[6] and the subsequent implementation agreements between the Palestinian and Israeli sides,

Expressing the hope that the Israeli occupation will be brought to an early end and that therefore the violation of the human rights of the Palestinian people will cease,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. *Reiterates its demand* that Israel, the occupying Power, cooperate with the Special Committee in implementing its mandate;

3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;

4. *Expresses grave concern* about the situation in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000, as a result of Israeli practices and measures, and especially condemns the excessive and indiscriminate use of force against the civilian population, including extrajudicial executions, which has resulted in more than 2,600 Palestinian deaths and tens of thousands of injuries;

5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

8. *Requests* the Secretary-General:

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[4] A/58/311.

[5] A/58/155, A/58/156, A/58/263, A/58/264 and A/58/310.

[6] A/48/486-S/26560, annex.

(a) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its fifty-ninth session on the tasks entrusted to him in the present resolution;

9. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

Draft resolution II
Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

The General Assembly,

Recalling its relevant resolutions,

Bearing in mind the relevant resolutions of the Security Council,

Recalling the Regulations annexed to the Hague Convention IV of 1907,[1] the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[2] and relevant provisions of customary law, including those codified in Additional Protocol I[3] to the four Geneva Conventions,[4]

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[5] and the relevant reports of the Secretary-General,[6]

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Noting the convening of the meeting of experts of High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, at Geneva from 27 to 29 October 1998, at the initiative of the Government of Switzerland in its capacity as the depositary of the Convention, concerning problems of application of the Convention in general and, in particular, in occupied territories,

Noting also the convening for the first time, on 15 July 1999, of the Conference of High Contracting Parties to the Fourth Geneva Convention, as recommended by the General Assembly in its resolution ES-10/6 of 9 February 1999, on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure respect thereof in accordance with article 1 common to the four Geneva Conventions, and aware of the statement adopted by the Conference,

Welcoming the reconvening of the Conference of High Contracting Parties to the Fourth Geneva Convention on 5 December 2001 in Geneva and stressing the importance of the Declaration adopted by the Conference, and underlining the need for the parties to follow up the implementation of the Declaration,

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[1] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

[2] United Nations, *Treaty Series*, vol. 75, No. 973.

[3] Ibid., vol. 1125, No. 17512.

[4] Ibid., vol. 75, Nos. 970-973.

[5] See A/58/311.

[6] A/58/155, A/58/156, A/58/263, A/58/264 and A/58/310.

Welcoming and encouraging the initiatives by States parties to the Convention, both individually and collectively, according to article 1 common to the four Geneva Conventions, aimed at ensuring respect for the Convention,

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law, including international humanitarian law,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[2] is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions,[4] to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in its resolutions of the tenth emergency special session with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

5. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.

Draft resolution III
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session, as well as relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Taking note of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,[2]

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993[3] and the subsequent implementation agreements between the Palestinian and Israeli sides,

Welcoming the presentation by the Quartet to the parties of the road map to a permanent two-State solution to the Israeli-Palestinian conflict,[4] and noting its call for a freeze on all settlement activity,

Aware that Israeli settlement activities have involved, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other illegal actions against the Palestinian civilian population,

Bearing in mind the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

Expressing grave concern about the continuation by Israel of settlement activities in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, including the construction and expansion of the settlements in Jabal Abu-Ghneim and Ras Al-Amud in and around Occupied East Jerusalem,

Expressing grave concern also about the construction by Israel of a wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudge future negotiations and make the two-

[1] United Nations, *Treaty Series*, vol. 75, No. 973.
[2] E/CN.4/2004/6.
[3] A/48/486-S/26560, annex.
[4] S/2003/529, annex.

State solution physically impossible to implement and would cause the Palestinian people further humanitarian hardship,

Reiterating its opposition to settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and to any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Gravely concerned about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory, as illustrated in the recent period,

Taking note of the relevant reports of the Secretary-General,[5]

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;

3. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

4. *Demands* that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure from the Armistice Line of 1949 and is in contradiction to relevant provisions of international law;

5. *Stresses* the need for full implementation of Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;

6. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, particularly in the light of recent developments;

7. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.

[5] A/58/155, A/58/156, A/58/263, A/58/264 and A/58/310.

Draft resolution IV
Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session, and the resolutions of the Commission on Human Rights,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[1] and the reports of the Secretary-General,[2]

Taking note of the report of the Human Rights Inquiry Commission established by the Commission on Human Rights[3] and the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,[4]

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[5] to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention[5] under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[6]

Concerned about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including the use of collective punishment, the reoccupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of a wall inside the Occupied Palestinian Territory in departure from the Armistice Line of 1949, the destruction of property and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

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[1] A/58/311.
[2] A/58/155, A/58/156, A/58/263, A/58/264 and A/58/310.
[3] E/CN.4/2001/121.
[4] E/CN.4/2004/6.
[5] United Nations, *Treaty Series*, vol. 75, No. 973.
[6] S/2003/529, annex.

Gravely concerned about the tragic events that have occurred since 28 September 2000 and that have led to thousands of deaths and injuries among Palestinian civilians,

Gravely concerned also about the use of suicide bombing attacks against Israeli civilians resulting in extensive loss of life and injury,

Expressing deep concern about the extensive destruction caused by the Israeli occupying forces, including the destruction of homes and properties, of religious, cultural and historical sites, of vital infrastructure and institutions of the Palestinian Authority, and of agricultural land throughout Palestinian cities, towns, villages and refugee camps,

Also expressing deep concern about the Israeli policy of closure and the severe restrictions, including curfews, imposed on the movement of persons and goods, including medical and humanitarian personnel and goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and the consequent impact on the socio-economic situation of the Palestinian people, which has resulted in a dire humanitarian crisis,

Expressing concern that thousands of Palestinians continue to be held in Israeli prisons or detention centres, and also expressing concern about the ill-treatment and harassment of any Palestinian prisoners and all reports of torture,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilians and to help the parties to implement agreements reached, and, in this regard, recalls the positive contribution of the Temporary International Presence in Hebron,

Stressing the necessity for the full implementation of all relevant Security Council resolutions,

1. *Determines* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[5] and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949[5] and cease immediately all measures and actions taken in violation of the Convention, including the extrajudicial executions;

3. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by Israeli forces against Palestinian civilians, resulting in extensive loss of life, vast numbers of injuries and massive destruction;

4. *Also condemns* the events that have occurred in the Jenin refugee camp in April 2002, including the loss of life, injury, destruction and displacement inflicted on many of its civilian inhabitants;

5. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people;

6. *Stresses* the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

7. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.

Draft resolution V
The occupied Syrian Golan

The General Assembly,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,[1]

Deeply concerned that the Syrian Golan, occupied since 1967, has been under continued Israeli military occupation,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the last of which was resolution 57/128 of 11 December 2002,

Having considered the report of the Secretary-General submitted in pursuance of resolution 57/128,[2]

Recalling its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under international law, including the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[3] to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237 (1967) of 14 June 1967,

Welcoming the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and expressing grave concern about the stalling of the peace process on all tracks,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

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[1] A/58/311.

[2] A/58/264.

[3] United Nations, *Treaty Series*, vol. 75, No. 973.

3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[3] and have no legal effect;

4. *Calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and from its repressive measures against the population of the occupied Syrian Golan;

5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.